

OVERSIGHT COMMITTEE (OC)

June 1, 2010

Calgary, AB

Attendees:

Mayo Moran	Independent Chairperson
Luc Dumont	Government of Canada Representative
Alison Molloy	Government of Canada Representative
Dan Ish	Chief Adjudicator
Paul Favel	AFN Representative
Kerry O'Shea	Claimant Counsel Representative
David Paterson	Claimant Counsel Representative
David Iverson	Church Representative
Les Carpenter	Inuit Representative
Jeff Hutchinson	IRSAS

Guests: Kerry Eaton, Crawford Class Action Services

Regrets: Mitch Holash, Church Representative

1. New Member

Dan Ish introduced Paul Favel to the Oversight Committee. He was recently appointed by the Assembly of First Nations as its representative to OC.

2. Technical Sub-Committee

There was no report from the Technical Sub-Committee as the meeting was cancelled.

3. Approval of Minutes of April 7, 2010

Approved with changes.

4. Matters for Discussion

a) OC Priority Issues

A summary of possible priority topics for discussion was circulated prior to the meeting. "Completion of all cases within the SA timeframe" and "Outreach education to 'underserved' areas", particularly the North, were felt to be the most urgent.

Completion of all cases within the SA timeframe

Dan Ish reported on meetings with the Deputy Minister, the Assistant Deputy Minister, Randy Bennett, Kerry Eaton, Luc Dumont and Jeff Hutchinson. Everyone is committed to the time frame for the IAP as set out in the Settlement Agreement; all parties must work together to determine how to meet the commitment. A “guesstimate” of the number of cases which have yet to go through the system is 21,000 or approximately 3700 cases per year. The infrastructure is in place to achieve that but currently we are short on capacity. We need more staff and adjudicators.

Discussion:

- Article, 6.04 of the SA says, “One additional notice of the IAP Application Deadline may be provided on the recommendation of the NAC to Canada.” NAC is looking to the OC to initiate this, possibly in September.
- More education in general is required. Claimant counsel, Canadian Legal Education (CLE) events, Truth and Reconciliation Canada (TRC) events, law societies, community workers, ADAC workers, etc. could be helpful. To date, outreach has been limited primarily to accepting invitations.
- A director for Client Services was hired in March. One of his mandates is to put together a northern strategy for education on the IAP.
- There is a need to facilitate connecting claimants with claimant counsel in areas where counsel are less accessible than in urban areas.
- Holding hearings in communities can generate interest.

Decision:

- a) The July meeting will consider concrete ideas for meeting the time frame and disseminating a second notice for the IAP deadline.
- b) If a stakeholder feels it necessary to bring a second person to the July meeting who has been key to their internal discussion on the priority topics they may do so.

5. Key Performance Issues

- Jeff Hutchinson distributed a statistical package.
- Document collection is still the largest issue of delay.
- Seventy percent of the standard case files which have no assessment or alleged perpetrator hearing will be heard before May 31, 2011.
- There is an increase in claims from Alberta.
- The number of short form decisions have increased dramatically.

6. Executive Director’s Report

- Jeff Hutchinson will distribute to OC the deck presented to NAC.
- The Court has asked for clarification on who will have access to Electronic Document Information (EDI).
- There is a renewed urgency in HR.

- An expert on confidentiality is preparing an overview for the OC with respect to ownership and management of information and data. It is to be ready prior to the July meeting.
- The Secretariat and Canada will have space at the TRC event where attendees will be able to get information on IAP and CEP.
- Client Services has been able to get representation for six hundred claimants.
- Monique Bond will be retiring at the end of June. Dan Ish and Mayo Moran will send a letter of thanks to Monique.

7. Chief Adjudicator's Report

- While we currently have sufficient adjudicators there are not enough to manage the expected increase in scheduling of cases.

Decision: Agreed that we will move ahead with another RFP for adjudicators.

- The screening process and the interview process need review.
- Regional meetings for adjudicators will be held in the fall.
- The CA reported on various court actions in progress.

8. Matters for Discussion

- a) A decision regarding a court order on confidentiality of claimant information will not be made until the report on it is received and discussed.

Decision: The July agenda is to include the topic, Framework for Complaints. A staff paper has been prepared on a complaints process for addressing claimant counsel conduct.

9. Student-on-Student Abuse and Canada's Admission Process

Discussion: In cases where the claimant has to approve the allegation of abuse and is asked to prove that staff had or reasonably should have had knowledge of the abuse, it is difficult without access to decisions or other documented sources. Claimants and claimant counsel have to rely on Canada to bring forward information. The issue of fairness with the process was raised.

Decision: Place this topic on the July agenda.

10. Documents from Canada

Luc Dumont distributed graphs on timeliness of cheque issue and on document collection.

11. Next Meeting

To accommodate the anticipated larger agenda and discussion on strategies the next meeting will be extended beyond the usual one day to a day and a half, i.e. July 27 and one-half day on the 28th.